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<u>United States District Court</u> Southern District of Texas

ENTERED

April 01, 2025 Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

MATTHEW & MONICA DAWKINS,

Plaintiff,

VS.

CIVIL ACTION NO. 4:24-cv-0639

ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY,

Defendant.

Defendant.

ORDER GRANTING DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pending before the Court are several motions. First, Plaintiffs Matthew and Monica Dawkins ("Plaintiffs") filed a Motion to Compel Appraisal and Abatement. (Doc. No. 5). The Court **DENIES** this motion without prejudice. Next, Defendant Allstate Vehicle and Property Insurance Co. ("Allstate") filed a Motion to Dismiss and for Sanctions. (Doc. No. 7). After the Motion to Dismiss, however, Plaintiffs filed a First Amended Complaint which omitted several of the causes of action raised in the state court petition. (Doc. No. 13). Thus, the Court **DISMISSES** Allstate's Motion to Dismiss as moot. (Doc. No. 7). Nevertheless, Allstate is free to file an amended motion to dismiss the First Amended Complaint, if it sees fit, or reassert its merits and sanctions arguments at summary judgment with the benefit of fact discovery.

IT IS SO ORDERED.

Signed this 28 day of March, 2025.

Andrew S. Hanen

United States District Judge